

cent", was false and misleading in view of the actual composition of the article. Misbranding was alleged for the further reason that the following statements on the jug label, regarding the curative or therapeutic effects of the article, were false and fraudulent: "The New Remedy for the treatment of the Germ, Worm and Parasite Disease of Hogs Including flu, necrotic enteritis (the runt making disease) white and black scourer, stomach worms, thorn headed worms, whip worms, pin worms, common round worms. * * * Four or five days' treatment is usually sufficient except for necrotic enteritis (necro) which take longer as the linings of the bowels are covered with a mealy yellowish white coat of scabs and dead tissues which take time to remove. Sucking pigs with bowel troubles are treated by giving the medicine through the sow. In Treating Flu—If a hog is too sick to drink he should be drenched twice a day. * * * Usually manure and hog droppings are full of worm eggs and hogs are picking them up every day, so if you want to keep them eating good and gaining fast give one feed a week, preferably Sunday mornings. This keeps the worms down and hogs will be ready for market three to four weeks earlier and on much less feed. * * * Special Flu Label * * * The New Remedy for the Flu in Hogs * * * It is guaranteed to get your hogs practically over the flu in three to five days, * * * after they are practically over it which usually takes 4 or 5 days, give the medicine every other day for a few days. Then if you want to keep them eating good and gaining fast, give one feed once a week, preferably Sunday mornings. If a hog is too sick to drink he should be drenched twice a day. * * * Highly recommended for worms."

On May 15, 1934, no claimant having appeared for the property, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22627. Misbranding of Acco Aspirin Tablets. U. S. v. 49 Cards of Acco Aspirin Tablets. Default decree of destruction. (F. & D. no. 32579. Sample no. 49148-A.)

This case involved a shipment of aspirin tablets, the labels of which bore unwarranted curative and therapeutic claims.

On April 21, 1934, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 cards of Acco Aspirin Tablets at Savannah, Ga., alleging that the article had been shipped in interstate commerce, on or about March 2, 1934, by Feldman-Martin, Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Acco Aspirin * * * Albany Chemical Co. Albany, N. Y."

Analysis of a sample of the article by this Department showed that it consisted of tablets containing approximately 5 grains of acetylsalicylic acid each.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding its curative or therapeutic effects, were false and fraudulent: (Carton, translation from Spanish) "Quick alleviation of Influenza * * * Rheumatism and Menstrual Pains"; (circular, translation from Spanish) "We recommend the use of the 'Acco' Aspirin Pastilles for * * * Toothache, Lumbago, * * * Sciatica, natural pains in women and other similar disorders. * * * Dose * * * Rheumatism, Lumbago: 1 or 2 pastilles 3 times a day. Sciatica * * * 2 pastilles 3 times a day. Toothache and Earache: 2 pastilles, and if alleviation is not obtained in one hour, take a second dose"; (circular headed "Acco Genuine Aspirin") "It is highly recommended for the relief of * * * Painful Periods, Rheumatic Conditions * * * and similar ailments. * * * Painful Periods, etc. Two tablets one hour after meals, repeated in an hour if not completely relieved. Toothache, Earache: Same dosage as for Headache. Rheumatism, Lumbago: One or two tablets 3 times daily, one hour after each meal. Sciatica * * * Two tablets 3 times daily, one hour after each meal"; (circular headed "Acco The Safe Aspirin") "We recommend the use of 'Acco' Aspirin tablets for * * * Lumbago * * * Toothache, Earache, Sciatica and similar ailments. * * * Rheumatism, Lumbago: One or two tablets 3 times daily

one hour after each meal. Sciatica * * * Two tablets 3 times daily one hour after each meal. Toothache, Earache: Two tablets one hour after meals, repeated in an hour if not completely relieved."

On May 25, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22628. Adulteration and misbranding of Erdeky's Reparator, and misbranding of Erdeky's Blood Tea, Lung Tea, Lung Balsam, Blood Purifier, Blood Tonic, Nerve Medicine, Stomach Regulator, Mother Drops, Mustard Ointment, Cough Balsam, Women's Friend, Herb Tea, and Cough Tea. U. S. v. Kalerd Laboratories Co., Inc., and Kalman Erdeky. Pleas of guilty. Kalerd Laboratories Co., Inc., fined \$1. Kalman Erdeky placed on probation for 1 year and taxed costs. (F. & D. no. 28164. I. S. nos. 24583 to 24586, incl., 26201 to 26204, incl., 26208 to 26213, incl.)

This case was based on interstate shipments of various drug preparations, which, with one exception (Mother Drops), were labeled with false and fraudulent curative and therapeutic claims. The Lung Balsam, Blood Purifier, and Cough Balsam contained less alcohol than declared on the labels; the Mother Drops contained more alcohol than declared, and the Reparator contained less chloroform than declared.

On January 30, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Kalerd Laboratories Co., Inc., and Kalman Erdeky, president of said company, of Pittsburgh, Pa., alleging shipment by said defendants, in violation of the Food and Drugs Act as amended, between the dates of March 17 and April 15, 1931, from the State of Pennsylvania into the State of Indiana of a quantity of Erdeky's Reparator which was adulterated and misbranded; and of quantities of Erdeky's Blood Tea, Lung Tea, Lung Balsam, Blood Purifier, Blood Tonic, Nerve Medicine, Stomach Regulator, Mother Drops, Mustard Ointment, Cough Balsam, Women's Friend, Herb Tea, and Cough Tea which were misbranded. The articles were labeled in part: "Erdeky's Original Carpathian Style Lung Tea, etc. Prepared by Kalerd Laboratories Pittsburgh Pa."

Analyses of samples of the articles by this Department showed that the Blood Tea consisted essentially of plant material including senna leaves, juniper berries, gentian root, calamus root, and fennel seed; cinchona was not present. Lung Tea consisted essentially of plant material including horehound, marsh-mallow root, Iceland moss, licorice, elder flowers and linden flowers; Lung Balsam consisted essentially of plant material including tannin and wild cherry, a phenolic body, alcohol (by volume 2.7 percent), chloroform, sugar, and water; Blood Purifier consisted essentially of extracts of plant drugs including a laxative drug, potassium iodide, glycerin, alcohol (by volume 6.1 percent), and water; Blood Tonic consisted essentially of extracts of plant drugs including a laxative drug, potassium iodide, glycerin, alcohol (by volume 6.3 percent), and water; Nerve Medicine consisted essentially of compounds of calcium, sodium, potassium, ammonium, iron, manganese, strychnine and quinine, bromides, hypophosphites, sugar, and water; Stomach Regulator consisted essentially of pepsin, hydrochloric acid, compounds of strychnine and brucine, extracts of plant drugs including a laxative drug, sugars, alcohol (by volume 19.7 percent), and water, flavored with aromatics; Reparator consisted essentially of petroleum oil, such as kerosene, containing chloroform (53.1 minims per fluid ounce), volatile oils including camphor, oil of mustard, and methyl salicylate; Mother Drops consisted essentially of alcohol (by volume 64.6 percent), plant material including aloe and resins, and water; Mustard Ointment consisted essentially of an ointment with a petrolatum base, containing volatile oils including oil of mustard and oil of lemon; Cough Balsam consisted essentially of plant material including tannin and wild cherry, a phenolic body, chloroform, alcohol (by volume 2.6 percent), sugar, and water, flavored with aromatics including oil of sassafras; Women's Friend contained ferrous carbonate, sodium sulphate, and arsenic trioxide (one-fiftieth grain per tablet), coated with sugar and iron oxide; Herb Tea consisted essentially of plant material including senna leaves, juniper berries, cinchona bark, fennel seed, gentian root, and calamus root; Cough Tea consisted essentially of plant material including horehound, althea root, Iceland moss, licorice root, elder flowers, and linden flowers.